



STATE OF WASHINGTON

Department of
Natural Resources

COMMISSIONER
BERT COLE

SUPERVISOR

DON LEE FRASER

BOX 168
OLYMPIA, WASHINGTON
98501

July 11, 1967

RECEIVED

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PORT OF SKAGIT COUNTY



Port of Skagit County
P. O. Box 248
Mt. Vernon, Washington

Attention: Mr. Fred Weakley, Manager



Gentlemen:

Enclosed herewith is a map compiled from information available in this office and showing, among other things, the various transactions which have affected tidelands of Swinomish Slough, lying northeasterly of McGlinn Island in Section 1, Township 33 North, Range 2 East, W.M.



The base map was prepared in connection with the establishment of harbor lines at La Conner. The location of the outer harbor line, as shown thereon, was recommended by the Army Engineers May 12, 1942, and is substantially the location of the State Harbor Line at La Conner as it exists today.



The map shows the high tide line, the low tide line (0.0) and soundings in feet in the Slough Channel. We have indicated, in blue, the approximate location of the line of extreme low tide, which, at this location, we have estimated to be 3.5 feet below the low tide plane of 0.0.



We have also, by color code, shown the approximate location of the various sales of tidelands in front of McGlinn Island.



From this information, it would appear that in the area lying east of the dike and east and northeasterly of McGlinn Island, there would be an estimated 110 acres of tideland and bed of navigable waters segregated as follows:



- (1) 40 acres - State ownership
- (2) 60 acres - private ownership
- (3) 10 acres - Indian Reservation tideland east of dike and outside of the 100 foot strip.

The executive order of September 9, 1873, established the north line of the Swinomish Indian Reservation, included all of Perry Island and the tidelands to the low water mark in front thereof.

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Section 1, Article 15 of our State constitution forbids the granting of any rights whatever in waters beyond an outer harbor line established by the Harbor Line Commission ~~provision~~ pursuant to the provisions of said Article 15.

Chapter 101, Session Laws of 1939, authorized the Commissioner of Public Lands to sell, in the manner provided by law, certain tidelands included in a strip 600 feet wide and easterly of and parallel to the existing government jetty and between the line of extreme low tide in front of McGlinn Island and the outer harbor line at La Conner.

The language of the executive order, of Article 15 and of said Chapter 101, when read collectively, certainly presents opportunity for conjecture.

On the map, colored in brown, we have shown a total area of approximately 33 acres as being the area conveyed under the provisions of said Chapter 101. However, from the information on the base map, it would seem that the area within the 600 foot strip, lying north of the line of extreme low tide, in front of McGlinn Island, included only the bed of Swinomish Slough and tidelands which were part of the Swinomish Indian Reservation. Therefore, since Chapter 101, presumably, authorized only the sale of State owned tidelands, it could be argued that no State property was conveyed under said statute.

Conjecture, of course, is always interesting. However, it is not our intention to create any problems of title or jurisdiction, since such matters may have possibly been resolved merely through the passage of time.

We would, nevertheless, like to particularly point out that the base map was the result of a survey, while the balance of the information shown thereon, is compiled from records in this office and delineated on the map to the best of our ability and judgment.

This is not the result of any official survey or investigation but is intended primarily to give you some information concerning approximate areas and ownerships at this particular location.

Yours very truly,

BERT L. COLE
Commissioner of Public Lands

MEB:ps
Enclosure

By M. E. BOWEER
M. E. BOWEER, P.E., Supervisor
Civil Engineering Division

Indian
lands)

11" DIKE

App 10320 Town of La Center
Chapter 101, Laws of 1939
Deed to Sigrid Dunlap 2-20-40
Vol. 18, Page 477

Indian

10.50 ±
Tide Lands

Deed to
Dunlap
Vol. 14, P. 693
2.5 AC ±

Gov. Lot 9
Patent 6-2-24

Gov. Lot 10
Patent 6-20-24

WASHINGTON

STATE OF WASHINGTON
(40 Acres) ±